



Application for Zoning Board of Adjustment

*** This application must be filled out completely and signed before submittals are placed on the ZBA agenda.**

PETITIONER INFORMATION

Name of Petitioner: Carl Ledbetter and Elizabeth McClard

Address of Petitioner: 1010 Saint Charles St Apt 1003 Phone #: 303-888-1227 & 303725-2034

Email address of petitioner: carl.ledbetter@gmail.com & e.mcclard@gmail.com

PROPERTY INFORMATION

Address: 9710 and 9714 Litzsinger Rd, Ladue, MO 63124

Zoning District: B

Parcel Identification Numbers: 20L120309 and 20L120327

Variance being requested: Permission to make 2 existing flag lots into a single flag lot which will be in better keeping with the neighborhood and reduce the negative impact of development.

By signing this application, you acknowledge that by submitting an incomplete petition, your item may not be added to the meeting agenda. A representative for the proposal must be in attendance to present the project to the Board .

X  Date: 10/3/2020
Elizabeth R. McClard 10/3/2020

* This application and review for City of Ladue building permitted purposes only. Please be aware of any additional covenants and indentures which may be recorded with your subdivision.

LEWIS RICE_{LLC}

Griffin A. Lowry

glowry@lewisrice.com
314.444.7763 (*direct*)
314.612.7763 (*fax*)

Attorneys at Law

600 Washington Avenue
Suite 2500
St. Louis, Missouri 63101
www.lewisrice.com

October 5, 2020

Ms. Liza Forshaw
Zoning Board of Adjustment
c/o Building Department
Ladue City Hall
9345 Clayton Road
Ladue, Missouri

Re: Appeal Statement for Non-Use Variance

Dear Ms. Forshaw,

Please accept this letter as the Appeal Statement of Elizabeth McClard and Carl Ledbetter (“Appellants”) in connection with Appellants’ Small Subdivision Development Application dated September 28, 2020 (the “Application”) seeking the consolidation of two adjoining parcels, 9714 Litzsinger Road (2,193 acres) (“Lot A”) and 9710 Litzsinger Road (2,549 acres) (“Lot B”) into a single, contiguous parcel comprising 4.7 acres (the “Property”), pursuant to Chapter 94 of the Ladue Code of Ordinances entitled “Subdivisions” so that one single family home may be built on the large combined parcel consistent with the aesthetics and character of the neighborhood abutting Old Warson Country Club. The two lots at issue are “Flag Lots”, which due to their unique shape only have about 40 feet of shared frontage on Litzsinger Road, rather than the 135 feet of frontage currently required by the City. Standing alone, each of the two lots are exempt from the City’s minimum frontage requirement because they are “grandfathered in” under the Zoning Ordinance of the City of Ladue, Missouri, (the “Zoning Ordinance”), as more particularly discussed below. As currently configured, two separate homes may be constructed on the lots without any variance. Rather than build two separate homes on the lots or selling the lots to a developer to build two houses on the separate lots, as currently permitted without a variance, Appellants are seeking to combine the lots so that they may build one house on the proposed 4.7 acre combined parcel, which will better preserve the character of the neighborhood. To do this, Appellants require and are requesting a variance from the City’s minimum frontage requirements.

A true and accurate copy of the Application is enclosed herewith as Exhibit A and incorporated herein by reference. By letter dated October 1, 2020 (the “Letter”), Andrea Sukanek, City Planner, informed Appellants that to move forward with the proposed consolidation, the Application requires a variance with respect to the minimum frontage requirements for parcels located within Residential Zoning District B outlined in Section III(2)(b) of the Zoning Ordinance. A true and accurate copy of the Letter is enclosed herewith as Exhibit B and incorporated herein by reference.

In light of the foregoing, Appellants submit this Appeal Statement to the Zoning Board of Adjustment requesting the aforementioned variance to facilitate the consolidation and subsequent construction of a residence on the Property. Appellants acknowledge that they are responsible for paying the cost for any transcript ordered from the court reporting service required to be present at all Zoning Board of Adjustment (“Board”) meetings.

Established 1909

I. Introduction & Relevant Background

Appellants, through their trust, are the lawful owners of Lot A and Lot B having acquired ownership via general warranty deed on or about August 13, 2020, thereafter recording such deed with the Office of the St. Louis County Recorder of Deeds at Book 24278, Page 3142. *See* Application, pg. 5. A Partial Topographic Survey dated July 18, 2020 (the “Survey”) accurately depicts the current configuration and adjoining nature of Lots A and B on page 4 of the Application.¹ At present, both Lot A and Lot B are zoned Residential Zoning District B under the Zoning Ordinance. As shown on the Survey, each lot is also considered a “flag lot” meaning: “A lot that has no frontage or which does not have the minimum frontage as required by the zoning ordinance, and where access from the lot to the street or private road is by a narrow corridor connecting the bulk of the lot to the street or private road.” *See* Zoning Ordinance, Section XV, *Language and Definitions*. The Zoning Ordinance first began prohibiting the creation of flag lots in the City effective October 27, 1977. *See* Zoning Ordinance, Section V, *Height, Area, and Yard Regulations*. Lots A and B have been “flag lots” since at least 1956 per the plat of Eckert Tract recorded in Book 78, Page 34 with the St. Louis County Recorder of Deeds as shown on Exhibit C enclosed herewith, and therefore are “grandfathered in” under the Zoning Ordinance. Without this protected grandfathered status, the shared frontage of Lots A and B of approximately 40 feet would violate the 135 feet “required minimum frontage” required for parcels in the Residential Zoning District B.

As mentioned above, Appellants desire to consolidate Lots A and B into one, contiguous lot, thus facilitating the adjustment of building setback lines and the subsequent construction of their primary residence, without any increase to the current frontage on Litzsinger Road.

II. Granting Request for Non-Use Variance to Frontage Requirement Will Prevent Practical Difficulties & Relieve Appellants of Unusual Hardship

a. City’s Denial and Applicable Standards for Granting a Non-Use Variance

The City Planner, bound by the requirements of the Zoning Ordinance as written, denied the small subdivision application, stating she was unable to approve a subdivision plat that violates the required minimum frontage and that she lacked the authority to waive the requirement. Granting Appellants’ request for a nonuse variance from the required minimum frontage requirements of Section V(E) of the Zoning Ordinance would enable Ms. Sukanek, the Planning and Zoning Commission, and the City Council to approve the consolidation of Lots A and B. Without such variance, however, these bodies cannot approve a plat that does not comply with the Zoning Ordinance.

Under Missouri law, “an applicant for a nonuse, or area variance . . . must establish, inter alia, *practical difficulties, which are the existence of conditions slightly less rigorous than unnecessary hardships*. The rationale for this distinction is that an area variance is a relaxation of one or more incidental limitations to a permitted use and does not alter the character of the district as much as a use not permitted

¹ Pursuant to conversations between Ms. Sukanek and counsel for Appellants, the City has agreed to accept the Survey in satisfaction of the survey requirement for this Appeal Statement subject to Appellant’s supplement of a complete ALTA Survey when completed by Volz Incorporated (anticipated mid-October 2020).

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by the ordinance.” *See Baumer v. City of Jennings*, 247 S.W.3d 105, 113 (Mo. Ct. App. 2008).² “[A] person seeking a non-use variance must demonstrate that, as a practical matter, the property *cannot be used for a permitted use without coming into conflict with the restrictions contained in the ordinances.*” *Id.* Further, the City’s Zoning Ordinance requires Appellants to demonstrate three additional requirements: (1) that the non-use variance will “not merely serve as a convenience to the applicant, but will alleviate some demonstrable and unusual hardship or difficulty so great as to warrant such variation, and at the same time properly protect the surrounding property, (2) that the non-use variance substantially complies with the terms, spirit, and purpose of the Zoning Ordinance, and (3) that the practical difficulty or hardship is not “self-inflicted” by Appellants. *See* Zoning Ordinance, Section X(H)(9).

Appellants’ request for a non-use variance to allow deviation from the minimum frontage requirements lots satisfies both the “practical difficulties” standard under Missouri law and the additional requirements as set forth in Section X(H)(9) of the Zoning Ordinance discussed above. The discussion that follows presents the relevant facts and circumstances that collectively satisfy these applicable requirements.

b. The Facts and Circumstances Here Necessitate a Variance for Appellants' Property

First and foremost, while consolidating these two lots to build a residence is unobjectionable in theory, without a variance, Appellants cannot combine, construct, and reside on the Property (a permitted use under the Zoning Ordinance). Next, the unusual and peculiar nature of the Property, namely, that two flag lots are allowed to exist in perpetuity having been grandfathered in under the Zoning Ordinance, but combining them into one flag lot runs afoul of the City’s Zoning Ordinance, is almost certainly unique to the Property, not a burden shared by neighbors, and not a self-inflicted hardship by Appellants.

Furthermore, the fact that, as currently configured, approximately 40 feet of frontage is sufficient for two lots logically suggests that such frontage would be acceptable and sufficient for one lot, especially when considering this proposed consolidation will automatically (a) lower the potential population density of the Property, and (b) decrease the potential burden on public safety and services by serving only one residence instead of two residences as currently permitted. In addition, granting this non-use variance will in no way cause change to the character of the neighborhood or adjoining parcels, or compromise any material zoning principle. Instead, this non-use variance will actually maintain the status quo, decrease

² Applicable Missouri case law outlines a non-exhaustive set of factors meant to guide the discussion of what may constitute “practical difficulties.” These factors include, but are not limited to, (1) how substantial the variation from the requirement, (2) the effect of any increased population density on government services; (3) whether a substantial change to the character of the neighborhood or a detriment to adjoining properties will result; (4) whether the difficulty can be obviated by some other feasible means; (5) whether relief is necessary because of the unique character of the property; (6) whether the difficulty presented is unusual or peculiar to the property involved; and (7) whether the interests of justice will be served by allowing the variance. *See Antioch Cmty. Church v. Bd. of Zoning Adjustment of City of Kansas City*, 543 S.W.3d 28, 38–39 (Mo. banc 2018); *Matthew v. Smith*, 707 S.W.2d 411, 415 (Mo. banc 1986); *Rosedale-Sinker Imp. Ass'n v. Bd. of Adjustment of City of St. Louis*, 425 S.W.2d 929, 932-33 (Mo. banc 1968); *Behrens v. Ebenrech*, 784 S.W.2d 827, 829 (Mo. Ct. App. 1990).

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population density, and facilitate Appellants' preservation and enhancement of the natural landscape of the Property.

Perhaps most notable, however, is the lack of feasible options to obviate the need for a variance. While Appellants are deeply appreciative of Ms. Sukanek's efforts to advise them of possibilities outside of a variance, none of these options are feasible when weighing the overall costs and benefits to all interested parties. For example, one option suggested was to create a private roadway from Litzinger to the lots to create the 135 feet of frontage along the northern border of the Property. This road would be subject to more requirements than a mere driveway, including naming and signage, even though it would only be leading to a single residence. This option presents *significant* economic and environmental costs, with very little (if any) attendant benefit. In addition to being costly, a private road would cause a permanent disruption to the natural landscape of the Property, a disruption that runs counter to the stated intent for Residential Zoning District B, which is to "prohibit dense development in order to retain the natural vegetation and spacious character of the City." See Zoning Ordinance, Section III(2)(a). Taken together, these costs greatly outweigh the utility of technical compliance with the Zoning Code.

Another option offered was to keep the lots separate without seeking any adjustment of the lots thus limiting Appellants to construction of their residence within the existing building lines. This option unreasonably limits Appellants' right to construct an otherwise compliant residence on the Property, especially given the areas of the Property lying within the 100-year floodplain. Instead, the requested variance would prevent two separate houses from being built on each of the separate lots in the future, as currently permitted, which serves the City's interest in maintaining low population density and preserving natural environments. The limitation upon Appellants' private use and enjoyment if the lots remain as currently configured outweighs the benefit to the City at large, especially when combining these lots would eliminate the need for the City to provide services to two residences.

Considering the facts and circumstances in totality, granting the non-use variance best protects the overlapping interests of the City, the Appellants, and their neighbors, and is therefore, the most just outcome for all interested parties.

III. Conclusion

In conclusion, Appellants ask the Board to grant a variance from the Zoning Ordinance's minimum required frontage, thereby preventing the imposition of practical difficulties upon Appellants and relieving Appellants from the unusual hardship associated with manufacturing the required frontage for a property consisting of two flag lots that each have been in existence since at least 1956.

Sincerely,



Griffin A. Lowry

LEWIS RICE_{LLC}

October 5, 2020

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Enclosures:

Exhibit A: Small Subdivision Application

Exhibit B: Denial Letter

Exhibit C: Eckert Tract Survey

City of Ladue
Development Application

Property Owner

Name of owners: Carl Ledbetter and Elizabeth McClard

Name of contact person (if corporation) _____
Address: 1010 Saint Charles St #1003, Saint Louis, MO 63101
Phone Number 303-72502034 & 303-888-1227 Email e.mcclard@gmail.com &
carl.ledbetter@gmail.com

Petitioner (if different from owner)

Name _____
Name of contact person (if corporation) _____
Address _____
Phone Number _____ Email _____

Action Requested

- ☐ Subdivision (Fee: \$500 + \$100 for each potential lot in excess of three)
☒ Small Subdivision or Lot Line Adjustment (Fee: \$300)
☐ Rezoning (Fee: \$1000)
☐ Subdivision with Rezoning (Subdivision Fee + \$1000)
☐ PUD (Fee: \$2000)
☐ Special Use Permit (Fee: \$250 not-for-profit, \$500 for-profit)

Property address 9710/9714 LITZSINGER RD, Ladue Size of lot 4.7 acres Zoning district B

Describe the project briefly:

We would like to build a new home on the property that fits into the natural landscape of the property. To that end, we are proposing to consolidate 9714 & 9710 Litzsinger Road into a single lot, thereby modifying the existing building setback lines to accommodate such home.

Owners' signatures and date.

In addition, please submit the following:

- 1. Boundary survey or plat for the property**
- 2. Warranty Deeds for all properties involved**
- 3. Plats of all previous subdivisions of the properties involved**

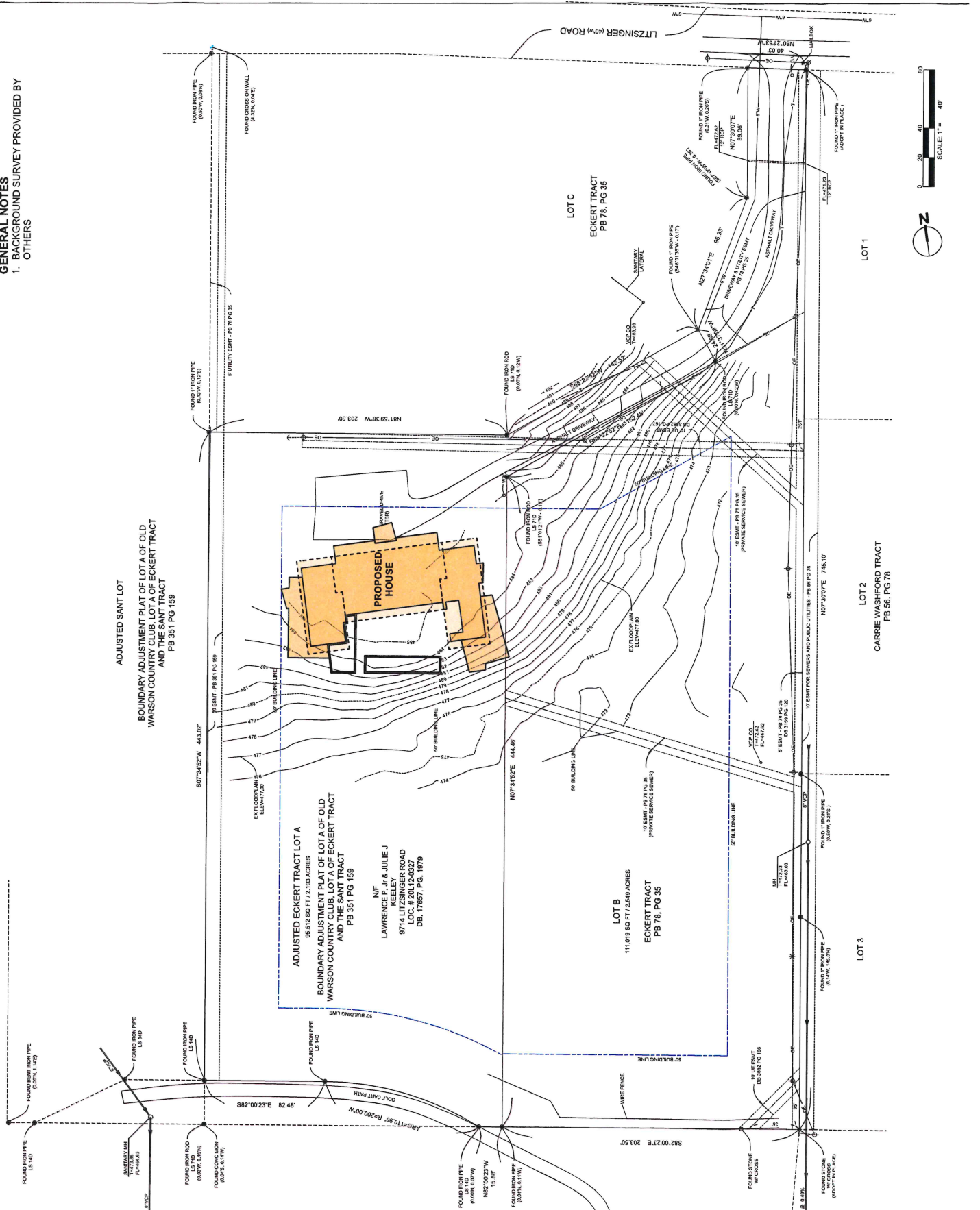
GENERAL NOTES

1. BACKGROUND SURVEY PROVIDED BY OTHERS

Building Placement for:
9710 AND 9714
LITZINGER ROAD
City of Ladue, Missouri

POEHLMAN & PROST, INC.
Land Surveying and Civil Engineering
P.O. Box 1518
46 C Worthington Access Drive
Maryland Heights, Missouri 63043
(314) 997-5777 Phone
(314) 997 0407 Fax
E-Mail:
bpoehlinm@aipoehlinman-prost.com

<p>NOT FOR CONSTRUCTION</p>	<p>Revised By: JMH</p> <p>Issue 09/24/2020</p> <p>Revision</p>	<p>Building Placement Diagram</p> <p>AS1.1</p>
<p>Sheet No: 109.2.4</p>	<p>Sheet Title: 109.2.4</p>	<p>Sheet Print Date: 9/24/2020</p>





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GERALD E. SMITH, RECORDER OF DEEDS
ST. LOUIS COUNTY MISSOURI
41 SOUTH CENTRAL, CLAYTON, MO 63105

TYPE OF
INSTRUMENT
WD

GRANTOR
KEELEY LAWRENCE P JR ETUX

TO

GRANTEE
MCCLARD ELIZABETH R TR ETAL

PROPERTY
DESCRIPTION:

ECKERT TRACT L: b PB: 78 PG: 35wop

Lien Number

Notation

Locator

201120309

NOTE: I, the undersigned Recorder of Deeds, do hereby certify that the information shown on this Certification Sheet as to TYPE OF INSTRUMENT, the NAMES of the GRANTOR and GRANTEE as well as the DESCRIPTION of the REAL PROPERTY affected is furnished merely as a convenience only, and in the case of any discrepancy of such information between this Certification Sheet and the attached Document, the ATTACHED DOCUMENT governs. Only the DOCUMENT NUMBER, the DATE and TIME of filing for record, and the BOOK and PAGE of the recorded Document is taken from this CERTIFICATION SHEET.

RECORDER OF DEEDS DOCUMENT CERTIFICATION

STATE OF MISSOURI)
SS.
COUNTY OF ST. LOUIS)

Document Number

01614

I, the undersigned Recorder of Deeds for said County and State, do hereby certify that the following and annexed instrument of writing, which consists of 3 pages, (this page inclusive), was filed for record in my office on the 24 day of August 2020 at 01:31PM and is truly recorded in the book and at the page number printed above.

In witness whereof I have hereunto set my hand and official seal the day, month and year aforesaid.

mw
Deputy Recorder



Gerald E. Smith
Recorder of Deeds
St. Louis County, Missouri

Mail to:

Investors Title Company - Clayton
219 S Central Ave
St. Louis, MO 63105

Destination code: **4002**

RECORDING FEE 27.00
(Paid at the time of Recording)

GENERAL WARRANTY DEED (INDIVIDUAL)

INVESTORS TITLE COMPANY

This Deed, Made and entered into this 13 day of August, 2020, by and between

Lawrence P. Keeley Jr. and Julie J. Keeley, husband and wife
Grantor's Mailing Address: 7 Carters Grove Ct, Saint Louis, MO 63124
party or parties of the first part as **Grantor(s)**, and

Elizabeth R McClard TTEE, Carl S Ledbetter TTEE U/A DTD 02/14/2020, BY Elizabeth R McClard
Grantee's Mailing Address: 1010 St Charles St Apt 1003, Saint Louis, MO 63101
party or parties of the second part as **Grantee(s)**.

WITNESSETH, that the said party or parties of the first part, for and in consideration of the sum of One Dollar and other valuable considerations paid by the said party or parties of the second part, the receipt of which is hereby acknowledged, does or do by these presents GRANT, BARGAIN AND SELL, CONVEY AND CONFIRM unto the said party or parties of the second part, the following described Real Estate, situated in the County of Saint Louis, State of Missouri, to-wit:

Parcel 1: Lot B of Eckert Tract, a subdivision in St. Louis County, Missouri, according to the plat thereof recorded in Plat Book 78, Page 35 of the St. Louis County Records.

Parcel 2: Adjusted Eckert Tract Lot A of Boundary Adjustment Plat of Lot A of Old Warson Country Club, Lot A of Eckert Tract and The Sant Tract, a subdivision in St. Louis County, Missouri, according to the plat thereof recorded in Plat Book 351, Page 159 of the St. Louis County Records.

Parcel 1: 9710 Litzsinger Road

Parcel 2: 9714 Litzsinger Road

Together with all improvements thereon known and numbered as 9710 Litzsinger Road, Saint Louis, MO 63124

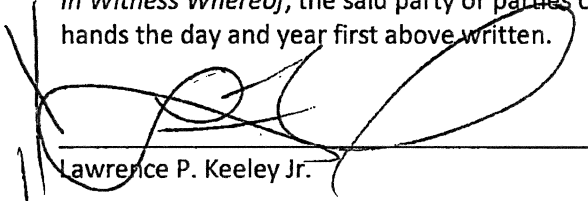
Subject to existing building lines, easements, conditions, restrictions, zoning regulations, etc., now of record, if any.


Locator No: 20L120309 / 20L120327

TO HAVE AND TO HOLD the same, together with all rights and appurtenances to the same belonging, unto the said party or parties of the second part, and to the heirs and assigns of such party or parties forever.

The said party or parties of the first part hereby covenanting that said party or parties and the heirs, executors, administrators and assigns of such party or parties, shall and will WARRANT AND DEFEND the title to the premises unto the said party or parties of the second part, and to the heirs and assigns of such party or parties forever, against the lawful claims of all persons whomsoever, excepting, however, the general taxes for the calendar year 2020 and thereafter, and special taxes becoming a lien after the date of this deed.

In Witness Whereof, the said party or parties of the first part has or have hereunto set their hand or hands the day and year first above written.


Lawrence P. Keeley Jr.


Julie J. Keeley

State of Missouri

} ss.

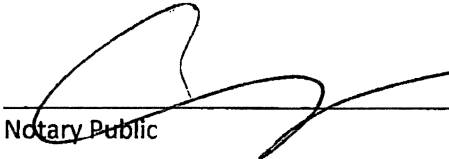
County of St. Louis

On this 13 day of August, 20 20, before me personally appeared

Lawrence P. Keeley Jr. and Julie J. Keeley, husband and wife

to me known to be the person or persons described in and who executed the foregoing instrument, and acknowledged that he/she/they executed the foregoing instrument, and acknowledged that he/she/they executed the same as his/her/their free act and deed.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal in the County and State aforesaid, the day and year first above written.


Notary Public



CYNDI DERANJA
My Commission Expires
August 3, 2022
St. Louis County
Commission #14541385

THE BELOW BOX IS USED FOR NOTARY EXPIRATION AND NOTARY SEAL OR STAMP ONLY

My commission expires:

**CITY OF
LADUE****Building Department**

October 1, 2020

Mr. Carl Ledbetter and Ms. Elizabeth McClard
1010 Saint Charles St. #1003
St. Louis, MO 63101

Dear Ms. McClard and Mr. Ledbetter:

I have reviewed your preliminary plat documents and application for 9710 and 9714 Litzsinger Road. As we have discussed, you still need to submit a copy of the final plat with all the required information. I have attached the final plat requirements.

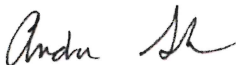
While most of the platting requirements can be addressed on your final plat, there are two items that a revised plat cannot easily address. These are described below.

The Ladue Subdivision Code states that subdivision lots may not exceed 5 sides. Fortunately, this requirement may be waived by the City Planner when the property is over 30,000 square feet, is being created from a lot that exceeds five sides, and is similar to lots with which it shares a boundary. This subdivision is not creating any new lots lines and meets these criteria so I believe this requirement should be waived and this will not need a variance.

There is one other requirement, however, that I do not have the authority to waive. Our subdivision code requires that all lots have a certain minimum frontage in order to prevent the formation of flag lots. The minimum frontage for the B zoning district is 135 feet. It appears that your plat has a road frontage of about 40 feet, which does not meet the minimum frontage. I realize that you did not create this situation and I feel that this lot consolidation is the only sensible way to make use of this property. I cannot waive this requirement, however, and you will need to apply for a variance to develop this property as proposed.

I would be happy to answer any questions you might have about this process. You can reach me by phone at (314) 997-6308 or by email at asukanek@cityofladue-mo.gov.

Sincerely,



Andrea Sukanek
Planner, City of Ladue

The following items must be shown on the final subdivision plat:

- North arrow
- Scale
- All rights of way with their widths, names, and maintenance entity (public or private)
- All utility easements
- Improvements on the property to include buildings, swimming pools, driveways, and other paved areas (may be waived if shown on preliminary plat)
- Setbacks
- Survey monuments and descriptions
- Area in acres or square feet of each lot, including common ground. Include existing and revised acreage, when applicable.
- Show net acreage of lots (the area excluding all roadway easements).
- Area map showing general location of subdivision
- Signature and seal of licensed surveyor
- Month and year of survey
- Subdivision Name (If a subdivision name has been changed from its original name, all subsequent plats shall reference the original name.)
- Zoning district(s) and any zoning district boundary lines
- Names and book and page of any adjacent subdivisions
- Property owners and book and page of adjacent lots – with lot numbers indicated
- Stream setbacks
- Floodplain and floodway boundaries

- Dimensions in feet
- Legal description of the property
- Common ground areas, showing square footage and ownership/ maintenance
- Dedication script for common ground, utilities, and roads
- Signatures of owners – notarized
- Correct names on signature block (Laura Rider, City Clerk; Andrea Sukanek, City Planner)

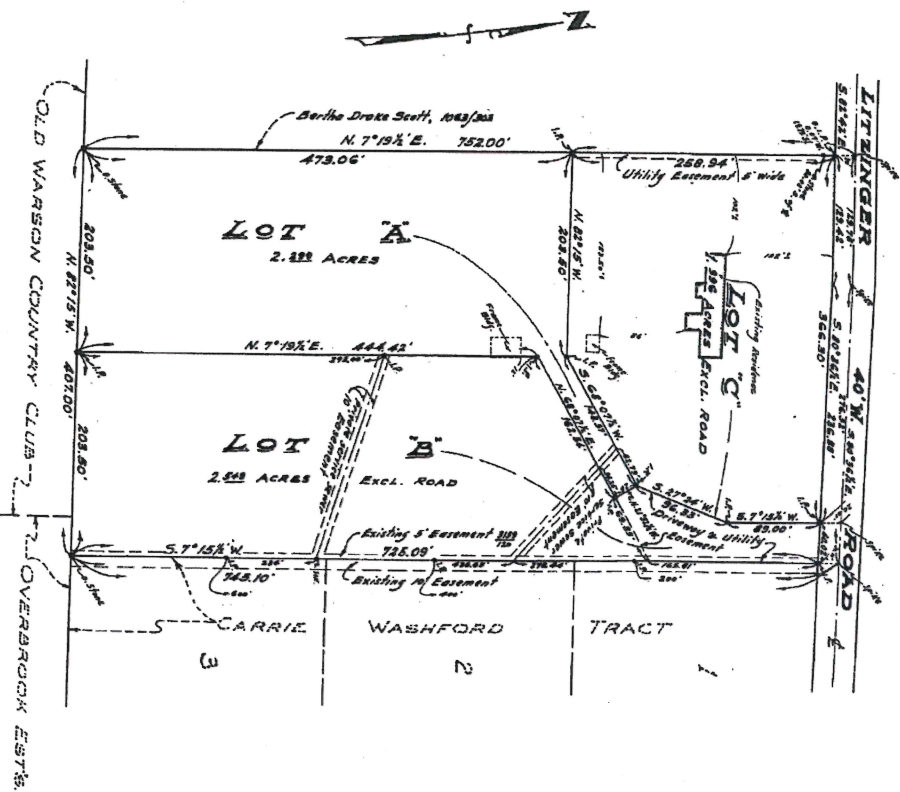
78-35

BOOK 18 PAGE 35
FILED FOR RECORD
IN THE CITY OF LADUE, MO.
RECORDED & INDEXED
244

"ECKERT TRACT"

CITY OF LADUE, MO.

35



STEELE SURVEYING CO.
8025 FOREST BLVD.
CLAYTON, MO.
This is to certify that we have during the month of September 1936, made a survey and division of a tract of land in U.S. Survey 1942, Twp. 40 N., R. 10 E., S. 1 E., St. Louis County, Mo., and the results are correctly shown on this plan.
STEELE SURVEYING COMPANY
By *Edmund S. Steele*



APPROVED - *James F. Bessinger*
Notary Public
St. Louis, Mo.
Oct. 10, 1936

I, *James F. Bessinger*, City Clerk with and for the City of Ladue, Mo., hereby certify that the above plat was lawfully adopted by the Board of Aldermen of the City of Ladue, Mo., in Ordinance No. 1832, approved this 10th day of December, 1936.
Attest my hand and the Seal of the City of Ladue, Mo., this 10th day of December, 1936.
James F. Bessinger
City Clerk



STATE OF MISSOURI } S.S.
COUNTY OF ST. LOUIS }
On this 10th day of October, 1936, before me personally appeared *Charles L. Eckert* and *Henry R. Day*, his wife, *Henry R. Day* and *Henry R. Day*, his wife, who are known to me to be the persons whose names are subscribed to and who executed the foregoing instrument and acknowledged that they executed same as their free act and deed.
By *TEST: HENRY WASSER*, I have hereunto set my hand and seal, this day and year last above written.
My commission expires March 23rd, 1937.
Henry R. Day
NOTARY PUBLIC

Charles L. Eckert
Henry R. Day
Henry R. Day
Henry W. Wasserman

We, the undersigned owners of the tract of land herein plotted and shown attached in the surveyor's certificate, have acknowledged to a surveyor and subdivided in the manner as shown on this plat which subdivision shall hereafter be known as "ECKERT TRACT".
The 3 wide easement shown along the west line of Lot C and along the east line of Lot B, being dedicated for public utility use, and restrictions affecting same as set forth, be sold subject to said use and filed for record herewith in the St. Louis County Recorder's Office.
In Witness Whereof, we have hereunto set our hands this 10th day of October, 1936.
James F. Bessinger
Charles L. Eckert
Henry R. Day
Henry W. Wasserman